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C O N F I D E N T I A L SECTION 01 OF 02 TAIPEI 003310

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SUBJECT: PRESIDENT CHEN PROPOSES DISCUSSION OF NATIONAL
TERRITORY IN SPEECH AT DPP CONSTITUTIONAL REVISION FORUM

Classified By: AIT Acting Director Robert S. Wang,
Reasons: 1.4 (b/d)

¶1. (C) Summary: In his opening address to a DPP forum on constitutional revision on Sunday, September 24, President Chen proposed that serious consideration be given to dealing with the question of defining national territory in the process of constitutional revision. Chen's proposal does not appear to directly violate the letter of his "four no's" commitment, which does not cover national territory, but raises questions about his other commitments not to "surprise" the U.S. and not to deal with the issue of change in national territory in the process of constitutional revision. Commentators here believe Chen is trying to consolidate his pro-independence support base, increase the turnout for the DPP candidate in the December Kaohsiung mayoral election, and divert attention from corruption scandals and the movement pressuring him to step down. End Summary.

¶2. (SBU) President Chen Shui-bian delivered an opening address at a DPP forum on constitutional revision on Sunday, September 24. In his speech, Chen proposed that serious consideration should be given to dealing with the question of defining national territory in the process of constitutional revision. Chen asked the audience, "Under the premise of maintaining the status quo, shouldn't more room be allowed for Taiwan to fully this issue (of territory)? I recall that in my New Year's Day addresses this year and last year, I clearly declared that Taiwan is our country, which has a total land area of 36,000 square kilometers. . . . When the constitutional stipulation has left reality compromised or ridiculed, shouldn't we, based on our demands for the Constitution's legitimacy and rationality, our expectation of and insistence on transitional justice, also give serious consideration to dealing with a situation like this?"

¶3. (C) Chen's proposal for a discussion does not directly contravene the "four no's" commitment originally contained in his 2000 inaugural address and subsequently reaffirmed. In 2000, Chen pledged not to declare independence, not to change the national title, not to include the two-state theory in the constitution, and not to promote a referendum on independence or unification. (Comment: Indirectly, however, a precise definition of territory that limits the Republic of China to currently-held islands may be interpreted as a virtual declaration of independence. End Comment.) Chen's latest move raises question about other of his commitments

not to "surprise" the U.S. and not to touch sovereignty issues in constitutional revision proposals. More specifically, in a meeting with AIT Chairman Ray Burghardt and the Director on June 8, Chen "reiterated that because social conditions are not sufficiently mature, especially the current political atmosphere, none of the serious topics such as issues related to sovereignty and changes in territory and national name will be dealt with" (in constitutional revision).

¶4. (C) Reactions in the media to Chen's proposal have generally been negative, focusing on the idea that Chen is again seeking short-term political advantage rather than making a realistic proposal and that he is neglecting to consider the potential negative effect on Taiwan's relations with the U.S. and PRC. DPP legislator Lee Wen-chung suggested that Chen's raising a "phony issue" would harm Taiwan's interests. Does making the U.S. nervous benefit Taiwan, he asked rhetorically. Some other DPP legislators, while saying they would like to see a change in the definition of Taiwan's territory in the constitution, characterized Chen's proposal as unrealistic and likely to provoke confrontation with the pan-Blue, increasing the difficulty of constitutional revision.

¶5. (C) Opposition Kuomintang (KMT) legislators were more blunt, charging Chen with trying to divert attention from corruption scandals and the movement pressing him to step down. They predicted Chen's proposal would provoke strong reactions from the U.S. and PRC, Chiang Hsiao-yen even suggesting that Chen might be hoping that external difficulties would take the heat off his domestic political problems. Several KMT LY members suggested to the ADIR on September 25 that President Chen was using constitutional

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reform to distract the public from his corruption woes, and to boost support for DPP Kaohsiung mayoral candidate Chen Chu.

¶6. (C) Most debate within the DPP on constitutional revision, including at the Sunday forum, has centered on whether Taiwan should adopt a presidential or a cabinet form of government. On October 4, the DPP's Central Executive Committee is scheduled to vote on and approve a DPP proposal for constitutional revision. The draft we have seen does not alter the constitution's vague reference to national territory. Once approved by the DPP, the constitutional reform proposal will be sent to the Legislative Yuan (LY) for consideration. KMT lawmakers told ADIR the pan-Blue will use its procedural committee majority to block consideration of any constitutional reform proposal. In any event, the very high threshold in the LY for initial approval of constitutional revision (three-fourths of a three-fourths quorum) makes revision impossible without opposition pan-Blue support. Some KMT legislators fear that Chen could try to circumvent the LY by calling for some form of referendum on "constitutional reform."

Comment

¶7. (C) Chen's gambit recalls his initiative earlier this year to "abolish" the National Unification Council and Guidelines (NUC and NUG), which he initially tossed out as a topic for discussion and then later acted on. The situation is different this time, however, because Chen had the authority to take action on the NUG and NUC, whereas any constitutional change would require difficult-to-achieve approval by both the LY and a public referendum. Chen, who is using the constitutional issue to try to consolidate his Deep Green base, doubtless realizes the extreme difficulty of constitutional change. He may hope realization of the near impossibility of sensitive constitutional changes will lessen the international reaction to his latest surprise.

WANG